

AMERICAN CELLULAR CORPORATION
14201 Wireless Way
Oklahoma City, OK 73134

October 2, 2001

Mr. James R. Beutelspacher
Customer Service and Product Management Division
Statewide 9-1-1 Program
658 Cedar Street, Room 510
St. Paul, MN 55155

Re: *CC Docket Number 94-102; Revision of the Commission's Rules to Ensure Compatibility with Enhance 911 Emergency Calling Systems -- American Cellular Corporation, and Dobson Cellular Systems, Inc. Petitions for Waiver of Sections 20.18(e), (f), and (h) of the Commission's Rules*

Dear Mr. Beutelspacher:

On September 11, 2001 the State of Minnesota ("Minnesota") submitted a letter to Mr. Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau ("Bureau"), Federal Communications Commission ("Commission"), regarding the above-referenced petitions for waiver submitted by American Cellular Corporation's ("ACC") and Dobson Cellular Systems, Inc.'s ("Dobson"). Minnesota disputes statements set forth in footnote 24 and associated text in ACC's and Dobson's Petitions regarding the status of PSAP readiness in their respective markets pursuant to Section 20.18(j) of the rules. Minnesota also requests that the Bureau require that the accuracy test data referenced in the ACC/Dobson petitions be made part of the public record.

At the outset, please note that Dobson does not hold licenses to serve any geographic areas within Minnesota. The instant correspondence is therefore submitted on behalf of ACC alone, and the scope of Minnesota's September 11, 2001 letter should be deemed applicable solely to ACC's waiver petition.

ACC wishes to reiterate its intent to deploy E-911 services to its subscribers in Minnesota – both Phase I *and* Phase II – as expeditiously as possible. In this regard, ACC is proceeding with Phase I deployment in Minnesota and stands ready to discuss the very complex technical and engineering issues facing ACC in its predominantly rural and suburban service areas. As discussed in ACC's waiver petition, there are significant technical challenges with respect to the availability of Phase II solutions for ACC's TDMA-based digital network. Phase II deployment will necessarily require the sharing of information and coordination between ACC, the multiple PSAP jurisdictions within Minnesota, and local exchange carriers and, in response to the Minnesota's initial January 31, 2001 letter, ACC expressly invited Minnesota to contact ACC representatives to begin these efforts.

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However, ACC respectfully submits that a "correction" of its waiver request as Minnesota proposes is unnecessary. First, a review of Minnesota's January 31, 2001 letter will show that it does not appear on its face to expressly *certify* as to the relevant PSAPs' readiness in the areas of Minnesota served by ACC. Moreover, the precise issue involved in Minnesota's September 11th letter is whether such a certification alone constitutes a "valid" request for purposes of triggering ACC's Phase II implementation obligations under Section 20.18(f) of the rules. ACC submits that even assuming, *arguendo*, that the January 31, 2001 letter constitutes a valid certification, the adequacy of Minnesota's request under the rules is not dispositive of the merits of ACC's waiver petition, which is based on the availability (or, more appropriately, the nonavailability) of Phase II-capable technologies for its TDMA-based network.

Indeed, the Commission is currently considering in the *City of Richardson* proceeding what actions are necessary for a PSAP request to be considered "valid" for purposes of triggering a carrier's Phase II obligations.¹ ACC has maintained that Section 20.18(j) on its face requires that a PSAP be capable of utilizing Phase II services at the time it submits its Phase II request. ACC notes that a number of carriers, including ACC, have received letters from PSAPs "requesting" E-911 service, only to learn later that the requesting PSAPs will not have necessary capability for some time. To ensure that ACC does not make unnecessary expenditures in response to PSAPs unprepared to use Phase II data elements, ACC's internal policy is to request some minimal documentation from a requesting PSAP so as to ensure that the PSAP is genuinely Phase II capable. This policy is consistent with the Commission's rules and underlying policy objectives.² In a letter dated April 17, 2001, (copy attached), Sean O'Hara, Special Project Manager for ACC and Dobson, responded to Minnesota's January correspondence, and requested that Minnesota provide information concerning the steps it has taken pursuant to Section 20.18(j). A review of ACC's records does not indicate that Minnesota has formally responded to the April 17th letter, however, and the September 11th letter appears to be the first instance in which Minnesota has addressed the issues raised therein. If Minnesota did, in fact, respond to ACC's April 17th letter and provide responsive information, we would appreciate your providing ACC a copy, with apologies in advance if the company has misplaced any such information.

¹. Public Notice, *Wireless Telecommunications Bureau Seeks Comment on Request for Clarification or Declaratory Ruling Concerning Public Safety Answering Point Requests for Phase II Enhanced 911*, CC Docket No. 94-102, DA 01-886 (rel. April 5, 2001), *further comment*, Public Notice, *Wireless Telecommunications Bureau Seeks Further Comment on the Commission's Rules Concerning Public Safety Answering Point Requests For Phase II Enhanced E911*, DA 01-1623, at 2 (rel. July 10, 2001) ("*July Public Notice*").

². See *Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd. 18676, 18709 (1996) (E-911 rules apply "only if a carrier receives a request for E911 service from the administrator of a PSAP that has made the investment which is necessary to allow it to receive and utilize the data elements associated with the service"); *Second Memorandum Opinion and Order*, 14 FCC Rcd. 20850, 20878 (1999) ("[c]arriers cannot fulfill their obligations . . . unless and until the States' 911 systems are capable of receiving and utilizing the E911 information so that PSAPs can make a *valid request* for the service); *id.* at 20909 ("[c]arriers also would benefit from receiving requests from PSAPs that are ready to receive the carriers' transmissions, thereby avoiding unnecessary expenditures or investments in their networks").

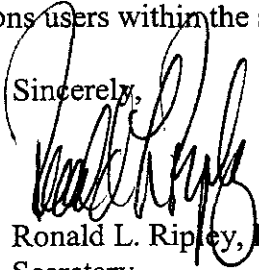
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Regarding Minnesota's request that the accuracy test data be made part of the public record so as to allow interested parties to evaluate and consider the validity of ACC's waiver request, ACC notes that the Commission has not established a pleading cycle for ACC's waiver petition. In any event, ACC accurately represented the information reflected in the results of the preliminary analysis conducted by Grayson Wireless ("Grayson").³ These results are subject to nondisclosure agreements, which ACC may not disclose. Moreover, the limitations of network-based solutions in rural environments are well established, and the ACC-specific vendor data will contribute little in the record of this proceeding. Should the Commission deem such disclosure necessary at a later date, ACC will attempt to obtain consent to disclose the data. ACC notes, however, that it is engaged in additional vendor discussions, which may render the information outdated.

ACC remains committed to providing Phase II service for all users of its systems in the State of Minnesota. If you have concerns with respect to ACC's efforts in this regard, please do not hesitate to contact us directly in the future. ACC looks forward to coordinating efforts with the State of Minnesota in order to improve the public safety benefits, including E911 location services, available to wireless telecommunications users within the state.

Sincerely,



Ronald L. Ripley, Esq.
Secretary

cc: Thomas J. Sugrue, Esq.

³. See American Cellular Corporation Petition for Waiver of Sections 20.18(e), (f), and (h) of the Commission's Rules, CC Docket No. 94-102, at 8 (filed Sept. 4, 2001). TruePosition has yet to report the results or a summary of the tests it conducted on ACC's network in the Duluth, Minnesota area.

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bcc: Robert G. Morse, Esq.
Mr. Timothy J. Duffy
Mr. Sean O'Hara